P.15023

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATION	12911		15016	LICENSE	
	13092	PERMIT	15019		
	13093		15020		
	18727		15021		
	19148		15023		

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE AND AMENDING THE PERMITS

WHEREAS:

- 1. Petitions for extension of time within which to develop the project and apply the water to the proposed use have been filed with the State Water Resources Control Board.
- 2. The permittee has proceeded with diligence and good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. A new development schedule is approved as follows:

CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE

December 1, 1990

COMPLETE APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE MADE ON OR BEFORE

December 1, 1992

2. Paragraph 12 of this permit is deleted. A new Paragraph 12 is added as follows:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

STATE OF CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATION	19148	AMENDED PERMIT	15023	LICENSE	

ORDER AMENDING THE PERMIT

WHEREAS:

- Amended Permit 15023 was issued to Calaveras County Water District on August 11, 1982, pursuant to Application 19148.
- 2. A petition to change the project has been filed with the State Water Resources Control Board.
- 3. On March 6, 1987 the Collierville Afterbay was eliminated from the North Fork Stanislaus Hydroelectric Project by Federal Energy Regulatory Commission Order No. 2409-013. The afterbay was no longer needed due to the construction of New Melones Dam, which backs water up the canyon to approximately one-quarter mile below the proposed afterbay site. Without Collierville Afterbay, a swimming beach at that location is no longer feasible.
- 4. The petitioned change would not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

- Condition 27 of the amended permit, related to the swimming beach, is hereby deleted.
- Condition 28 of the amended permit, related to the operation of the Collierville Afterbay, is hereby deleted.

Dated: SEPJEMBER 1 1993

Edward C. Anton, Chief Division of Water Rights

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

12911	15016	LICENSE
APPLICATION 13092	15019	
13093 🗸	15020	
18727	15021	
19148	15023 V	

ORDER RESCINDING THE APRIL 3, 1985 ORDER, APPROVING A NEW DEVELOPMENT SCHEDULE AND AMENDING THE PERMITS

WHEREAS:

- Petitions for extensions of time within which to develop the project and apply the water to the proposed use under said permits have been filed with State Water Resources Control Board.
- 2. The permittee has proceeded with diligence and good cause has been shown for the extension of time.
- 3. The order issued on April 3, 1985 incorrectly altered Conditions 14 of the permits instead of Conditions 13, when Conditions 13 and Conditions 14 should have remained intact.
- 4. The order issued on April 3, 1985 also numbered the signature page of the ORDER as "3", rather than "2".
- 5. The ORDER issued on April 3, 1985 should be rescinded due to the above errors.
- 6. When the April 3, 1985 order is rescinded, Permit Conditions 12 pertaining to the continuing authority of the Board will not conform to the current common law public trust doctrine as contained in Title 23, California Code of Regulations, Section 780(a).

NOW, THEREFORE, IT IS ORDERED THAT:

- 1. The order issued on April 3, 1985, regarding said permits is hereby rescinded.
- 2. A new development schedule is approved for said permits as follows:

CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE	December 31, 1990	(0000008)
COMPLETE APPLICATION OF THE WATER TO THE PROPOSED USE	December 31, 1992	(0000009)
SHALL BE MADE ON OR BEFORE	December 31, 1771	

Permit	15016	(Application	12911)
	15019	• • •	13092
	15020		13093
	15021		18727
	15023		19148
Page 2			

3. Condition 12 of said permits be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

Dated: JUNE 3 0 1988

Malter G. Pettit, Chief Division of Water Rights Permits 15016, 15019, 15020, 15021, 15023 (Applications 12911, 13092, 13093, 18727, 19148)
Page 3

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) to installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

3. Paragraph 14 of this permit is deleted. A new Paragraph 14 is added as follows:

The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

Dated: APRIL 3 1985

Raymond Walsh, Chief

Division of Water Rights

THE RESOURCES AGENCY STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

AMENDED	PERMIT	5023					
Application 19148	ofCalaveras	County Wate	r Dis	trict			
	Andreas, California 9	5249					
led onDecember 23, coard SUBJECT TO VESTE	, 1959 , has D RIGHTS and to the limita	s been approved l tions and condition	by the	State V this Per	Vater R mit.	esources	Contro
Permittee is hereby authori	zed to divert and use water as	follows:					
1. Source:			T	ributar	y to:		
(1) North Fork Sta	nislaus River	Stanislau	s Riv	er th	ence		
		San Joaqu	in Ri	ver			
		North For	k Sta	nisla	us Ri	ver	
(3) Beaver Creek		North For	k Sta	nisla	us Ri	ver	
		40-acre subdiv	ision	<u> </u>	Town-	Range	Base
2. Location of point of div	ersion:	of public land a or projection th		Section	ship	Range	and Meridan
							
SEE ADDENDUM							
			,				
•					-		
					-		
Counties of Alpine	e, Tuolumne and Calave	ras				_	,
	4. Place of use:		Section	Town-	Range	Base and	Acres
3. Purpose of use:	New Spicer Mead	ow Powerhouse		snip		Meridan	
Power	within SE4 of N	₩ ¹ 4	9	6N	18E	MD	
	Collierville Po within SW4 of N		6	3N	15E	MD	
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The place of use is shown on map filed with the State Water Resources Control Board.

ADDENDUM

AMENDED

Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridas
(1) North Fork Diversion Dam:					
Direct Diversion and Diversion to					
Offstream Storage					
West 1,500 feet from SE corner of					
Section 20	SW4 of SE4	20	7N	18E	MD
(2) New Spicer Meadow Reservoir:					
Storage and Rediversion South 1,225 feet and West 1,700					
feet from NE corner of Section 9	NW4 of NE4	9	6N	18E	MD
Teet II'dli NII corner or bottom					
		-			
(3) Beaver Creek Diversion Dam: Direct Diversion					
South 20° East 1,000 feet					
from NW corner of Section 1	NW4 of NW4	1	4N	15E	MD
Trutt IVI Corner Cr 2001					
				 	
(4) McKay's Point Diversion Dam:					
Rediversion South 63° East 2,000 feet from				+	
NW corner of Section 2	NE4 of NW4	2	4N	15E	MD
NW COTTLET OF Decetor 2		<u> </u>			
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5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 940 cubic feet per second by direct diversion from January 1 to December 31 of each year and 52,000 agre-feet. annum by storage to be collected from about November 1 of each year to about June 30 of the succeeding year as follows:

(1) North Fork Stanislaus River:

(a) 600 cubic feet per second by direct diversion at North Forty Diversion Dam:

- (b) 52,000 acre-feet per annum by offstream storage in New Spices Meadow Reservoir. The maximum rate of diversion to offstre storage shall not exceed 1,000 cubic feet per second from North Fork Stanistaus River at North Fork Diversion Dam.
- (2) Highland Creek: 52,000 acre-feet per annum by storage in New Spicer Meadow Reservoir; provided the amount collected to storage at New Spicer Meadow Reservoir shall not exceed 52,000 acre-feet per amnum from the combined diversion from North Fork Stanislaus River and Highland Creek. 🧼
- (3) Beaver Creek: 340 cubic feet per second by direct diversion at Beaver Creek Diversion Dam.

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any offset purpose....

- The amount authorized for appropriation may be reduced in the license 1 investigation warrants.
- Construction work shall begin by December 1, 1982 and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked. 0000008
- 8. Construction work shall be completed by December 1, 1984.
- 9. Complete application of the water to the authorized use shall be made by occors December 1, 1985.
- 10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued.
- Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board reasonable access to project works to determine compliance with the terms of this permit.
- 12. Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable methods of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water aflocation (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintain surfaces; (5) controlling pareatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action, will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such securic notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

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The water engraphshaped shall be lighted to the quantity which can be brined to the quantity which can be brined to the water ner second by direct difference from valuery 4 to December 31 df each year and 52,000 acre-feet beganningly elicited to be boilted from about November 1, of each year to about amount of the succeeding year as for low:

i) Normation Stanishaus Rivet; at the condition of North Forth, (a) \$600 table rest per second by direct diversion at North Forth, (b) \$100 acre—teet teet teet normal by objections storage in New Space, the maximum mate of diversion to oistices a storage shall not exceed 1,000 chain feet per second roun North stork Stanishman, Liver at North Pork Diversion Dam.

2) Highland Creek: \$2,000 acre-feet her annum he storage in New Spicer Weaklow Reservation who will be annum; collagied to storage at New Landow Reservation which exceed \$2,000 acre-feet per annumeron eigenverse storage at New Storage Creating and second acres are acres and second acres acres and second acres a

Process: 340 const. feet per second by direct diversion at Benve Creek Biversion but AF(E) - 14.6

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Construction for shalf be completed by December 1, 1934

Complete application of the water to the authorized use shall be made by

10. Proquest sevents shall be submitted promptly by estimitted when requarted by the statements is specified.

il Permittes small allow representatives of the State Water Resources Control Board est office to time by tald Board, the board est office by tald Board, the time by time by the Board, the terms of the sense of the compliance with the terms of

Pursuant superior of the sections of the sections 100 and 775; all rights and private superior of the superior

A rectal (1) restricting diversions so as colliminate agricultural tailwater of reduce return flow (4) suppressing symportation losses from water wheres (5) controlling recently rectally growth; and (5) installing, maintain diversity and operating efficient water measuring devices to assure compliance with the cuantity limited took of this permit and code ermine accurately water the analysis reasonable water requirements for the anthorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affect and opportunity for hearing, that such spacific reductionals are physically and inarcially feasible and are appropriate to the particular situation.

- 13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.
- 14. Permittee shall install and maintain outlet pipes of adequate capacity in all dams as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the State Water Resources Control Board, in order that water entering the reservoirs which is not authorized for appropriation under this permit may be released.
- 15. Permittee shall install and maintain devices satisfactory to the Board to measure (a) water diverted into New Spicer Meadow Reservoir from North Fork Diversion Dam and (b) water released from or flowing out of New Spicer Meadow Reservoir.
- 16. Construction of the storage dams shall not be commenced until the Department of Water Resources has approved plans and specifications.
- 17. In accordance with the requirements of Water Code Section 1393, permittee shall clear the site of the proposed reservoirs of all structures, trees and other vegetation which would interfere with the use of the reservoirs for water storage and recreational purposes.
- 18. This permit is subject to the terms of the agreement dated March 16, 1979, between the Department of Fish and Game and the permittee.
- 19. In compliance with Fish and Game Code Section 5943, if storage of water authorized by this permit is on a stream naturally frequented by fish, permittee shall accord to the public, for the purpose of fishing, reasonable right of access to the waters impounded by New Spicer Meadow Reservoir during the open season for the taking of fish, subject to the regulations of the Fish and Game Commission and for domestic water supply reservoirs, subject to Public Health Requirements of Sections 7623 to 7630, Title 17, California
- 20. Water entering the reservoirs or collected in the reservoirs during and after the current storage season shall be released into the downstream channel to the extent necessary to satisfy downstream prior rights and to the extent that appropriation of water is not authorized under this permit.
- 21. In order to prevent degradation of the quality of water during and after construction of the project, prior to commencement of construction permittee shall file a report pursuant to Water Code Section 13260 and shall comply with any waste discharge requirements imposed by the California Regional Water Quality Control Board, Central Valley Region, or by the State Water Resources Control Board.
- 22. Water diverted under this permit is for nonconsumptive uses and is to be released to the Stanislaus River within SW4 of NW4 of Section 6, T3N, R15E, MDB&M.
- 23. This permit and all rights acquired or to be acquired thereunder shall be subject to future depletion of streamflow from South Fork and Middle Fork Stanislaus River and their tributaries not to exceed 90,000 acre-feet of water in any three-year period by lawful appropriations of water for reasonable beneficial use by any diverter within the service area of Tuolumne County Water District No. 2, without regard to the time such appropriations are initiated.

0000095



14. Permittee shall instable and ranctain outle pipes of adequate capacity in all dames as mear as practicable to the betton of the hatural stream channer, or incovide other means satisfactory to the State Paler vesuances Control Brand, in order that water entering the reservoirs which is not authorized for appropriation inder this permit hay be released

15. Permittee shall install and wat in done satisfactor to the Board of measure. (a) water did their into was Spicer Meadow Reservoir from Noun Fork Diversion from and (b) water released from an flowing out of New Spicer Meadow Reservoir.

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18 me Chis permit is subject to the terms of the agreement dated for 16, 1973 Detween the Department of Fish and Game and the permitters for

If compliance when Rish and Came Cod Section 5943, if shorage of water author see by this permittis on a stream nathrally inequanted by this, permittis on a stream nathrally inequanted by this, permittis, on a stream nathrally inequanted by the stream of the problem of the complete of acceptable of the problem appears to the regulations of the Fish the open season for the taking of than, subject to the regulations of the Fish and Commission and for domestic at a subject to module regulation and for domestic at a subject to module had a subject to module and the figure meants of Sections (623 to 700, little 17, california and maintenative Code

20. Wher entering the meservoirs or collected in the reservoirs during an after the currents for a suring an after the currents for a suring and to the extent necessary to eatisty downstream of or rights and up the extent that appropriation of water is not authorized under this permit.

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22. Water diverted under this permit is for noncommittive uses and is to be reliesed to the Stanislads Piver Within SW, of What Section 6, Truy, Fish, when

23. This cannot and all rights sent to a acquired thereunder shall be shalled to future depletion of strending from South Pork and Middle Popt Stanislans Siver and their tributaries not to exceed 90,000 acresteet of water in any three-year period by lawful appropriations of water for resemble beneficial use by any diverter within the service appropriations of wolunne county water District No. 2, without recard to the ring such appropriations are initiated.

- 24. All rights and privileges to appropriate water for power purposes under this permit and any subsequently issued license are subject to depletions resulting from future upstream appropriation for (a) domestic and (b) stockwatering uses within the watershed. Such rights and privileges may also be subject to future upstream appropriations for uses within the watershed other than domestic and stockwatering if and to the extent that the Board determines, pursuant to Water Code Sections 100 and 275, that the continued exercise of the appropriation for power purposes is unreasonable in light of such proposed uses. Any such determination shall be made only after notice to permittee or licensee of an application for any such future upstream appropriation and the opportunity to be heard; provided, that a hearing, if requested, may be consolidated with the hearing on such applications. 000 I 001
- 25. No water shall be used under this permit until all necessary federal, state and local approvals have been obtained, including compliance with any 000 Ju01 applicable Federal Energy Regulatory Commission requirements.
- 26. Except for dry years, as defined in Paragraph 10 of the agreement dated March 16, 1979, between the Department of Fish and Game and the permittee, the permittee at intervals not to exceed five years, will provide flushing flows averaging 200 percent of the average annual flow or averaging 1,000 cfs whichever is greater for 30 consecutive days during the period from March 1 to May 31 in the North Fork Stanislaus River at the Avery Gage, unless such flows occur naturally. Releases from storage will be made for this purpose to the extent that it does not interfere with the maintenance of water surface elevations in New Spicer Meadow Reservoir as provided for in Paragraph 9 of the 0140500 agreement.
- 27. The permittee shall establish a swimming beach, access and parking at the 0030500 Collierville Afterbay or some other suitable location on the river.
- 28. The Collierville Afterbay shall be located and operated in such a manner as to not interfere or degrade the current raft embarkment areas on the Stanislaus River located immediately below PG&E's Stanislaus Powerplant 0400500 Afterbay.
- 29. A multiport outlet shall be constructed and operated on New Spicer Meadow Reservoir under specifications approved by the Department of Fish and Game to control the temperature of water released from the reservoir to optimize conditions for trout production in the North Fork, unless proven unnecessary (to the satisfaction of the Department) by the temperature analysis study of 0400500 North Fork Stanislaus River to be conducted by the permittee.
- The maximum amount of water to be diverted for storage in New Spicer Meadow Reservoir under this permit, together with that diverted under permitted Applications 11792B, 12911, 13091, 13092, 13093, 18728, and 19149 shall not exceed 189,000 acre-feet per annum. 0000114

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated:

AUGUST 11 1982

STATE WATER RESOURCES CONTROL BOARD

Raymor Wash Chief, Division of Water Rights

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